

## REMARKS

In the June 21, 2004 Office Action, the Examiner noted that claims 1-29 were pending in the application; rejected claims 1-29 under the first paragraph of 35 USC § 112; rejected claims 1 and 17 under 35 USC § 102(e); and rejected claims 2-16 and 18-29 under 35 USC § 103(a). In rejecting the claims, U.S. Patents 6,404,743 to Meandzija and 5,987,514 to Rangarajan (References A and B, respectively) were cited. Claim 1 has been canceled and claim 30 has been added. Thus, claims 2-30 remain in the case. The Examiner's rejections are traversed below.

### Rejections under 35 USC § 112, First Paragraph

In item 4 on pages 2-3 of the Office Action, claims 1-29 were rejected under the first paragraph of 35 USC § 112. Claim 1 has been replaced with claim 30 which is worded the same as the proposed claim discussed during the Examiner Interview held August 30, 2005. Based on the Interview Summary mailed September 6, 2005 indicating that claim 30 meets the requirements in the first paragraph of 35 USC § 112, it is understood that the rejection of at least claims 2-16 and 24-28 which depend from claim 30 will be withdrawn.

Claim 17 has been amended to recite limitations similar to those in claim 30. Therefore, withdrawal of the § 112 rejection of claim 17 and claims 18-23 and 29 which depend therefrom is respectfully requested.

### Rejections under 35 USC § 102(e)

In items 6-8 on pages 3-5 of the Office Action, claims 1 and 17 were rejected under 35 USC § 102(e) as anticipated by Rangarajan. In item 30 on pages 11-13 of the Office Action which provided a Response to Arguments in the Amendment filed April 11, 2005, it was stated that the arguments on pages 7 and 8 of the April 11, 2005 Amendment distinguishing claims 1 and 17 over Rangarajan were not considered due to the rejection under the first paragraph of 35 USC § 112. Since the Interview Summary for the August 30, 2005 Examiner Interview indicated that this rejection has been withdrawn at least with respect to claim 30, it is respectfully requested that the arguments in the April 11, 2005 Amendment be considered. These arguments are repeated below for new claim 30 and claim 17 as amended.

Claims 17 and 30 recite that the state information which is checked by the agent is "state information associated therewith" (claim 17, line 3) or "state information associated with the agent" (claim 30, lines 3-4), as described, e.g., in the paragraphs on the second half of page 2 in

the Preliminary Amendment filed upon entering the national stage on May 17, 2004. Furthermore, "only deviant state information indicating deviation from the normal state of the state information previously stored by the agent" (claim 30, last three lines) is sent "in response to the request message" (claim 30, line 9).

On the other hand, Rangarajan teaches a system having three management layers: an upper layer consisting of network manager 48 (Fig. 1), a middle layer consisting of mid-level managers 40-45 and a lowest level consisting of devices D, each connected to a mid-level manager. As described at column 5, lines 39-48, the network manager transmits event requests to the mid-level managers to obtain an attribute value characterizing the devices connected to the mid-level manager. In response, the mid-level manager directs a low-level agent, i.e., the device connected thereto, to retrieve values for the specified attribute (see column 6, lines 46-48) by polling the device during a prescribed interval (column 3, lines 32-34). The device retrieves the values from its management information base and returns the value(s) of the attribute to the mid-level manager (see column 6, lines 50-53) which determines whether the value(s) satisfy some condition and generates an event report if the condition is met (see column 6, lines 53-57).

Thus, it should be clear that the mid-level manager in the system taught by Rangarajan does not correspond to the "agent" in claims 17 and 30. Moreover, the low-level agent or device in the system taught by Rangarajan does not receive the request and apparently does not have the intelligence to determine whether an event report should be sent to the network manager in response to the request issued by the network manager. In addition, the separation of functions between the mid-level manager and the low-level agent results in communication differences between the operations performed by the system disclosed in Rangarajan and those recited in the claims. As discussed above, in Rangarajan the request is received by the mid-level manager which obtains values for the specified attribute "by continuously sending SNMP commands such as GetNext to the low-level agent 12-36 at the specified intervals" (column 6, lines 48-50). One of the benefits of the present invention is that less message traffic is required by having the agent with the information receive the request. This is particularly important, since the request is issued for the purpose of "state realignment" (claim 30, line 6) which is performed when the synchronization of state information between the manager and the agent needs to be reestablished. One of the benefits of the present invention is that this is done efficiently. On the other hand, Rangarajan is directed to "the basic monitoring function of retrieving attribute values from one or more low-level agents" (column 3, lines 43-44; see also the preamble of claim 1).

Furthermore, contrary to the assertion in the paragraph spanning pages 4 and 5 of the Office Action that the generation of an event report as described at column 3, lines 42-52 and column 6, lines 43-57 constitutes determining "deviation from the normal state" (claim 30, line 10), nothing has been cited or found to suggest that the "condition" supplied in the request from the network manager constitutes a "normal state". By reporting "only deviant state information indicating deviation from the normal state of the state information previously stored by the agent" (claim 30, last three lines), the present invention is able to provide a further benefit in requiring less communication, since the comparison is performed by the agent using the values stored therein, instead of supplying all of the values needed for the comparison to the manager. Thus, a simple request for a report of deviations from the normal state is sufficient to inform the manager of the state of the agent.

For the above reasons, it is submitted that claim 30 and claim 17 which recites limitations similar to those quoted above from claim 30, patentably distinguish over Rangarajan.

#### **Rejections under 35 U.S.C. § 103(a)**

In items 10-29 on pages 5-11 of the Office Action, claims 2-6 and 18-29 were rejected under 35 USC § 103(a) as unpatentable over Rangarajan in view of Meandzija. It is submitted that Meandzija does not overcome the deficiencies of Rangarajan discussed above, and therefore, claims 2-16 and 18-29 patentably distinguish over the applied art for the reasons discussed above with respect to claims 17 and 30 from which they depend.

In item 30 on pages 11-13 setting forth the Response to Arguments, the benefits set forth on page 8 of the April 11, 2005 Amendment were disputed. With respect to the benefit of less message traffic discussed on lines 1-10 of page 8, the Examiner discussed the lack of description in the specification of "communication between a manager of level A and an agent of level C" (Office Action, page 12, lines 20-21). It is submitted that whether the specification describes such communication is irrelevant. As discussed above, the claims recite "an agent ... storing state information associated therewith" (claim 17, line 3) and "storing, at an agent ..., state information associated with the agent" (claim 30, lines 3-4). Also recited is "sending a request message for performing state realignment to said agent" (claim 17, line 7) and "sending to the agent ... a request message for performing state realignment" (claim 30, lines 5-6). The reduction in message traffic derives from the state realignment being performed by a component that has the state information, unlike the system disclosed by Rangarajan in which the mid-level manager obtains values for a specified attribute "by continuously sending SNMP commands such as a GetNext to the low-level agent 12-36 at the specified intervals" (column 6, lines 48-

50). According to the claimed invention, all that must be communicated from any higher level manager to the agent is "a request message for performing state realignment" (e.g., claim 30, line 6) and what is transmitted from the agent to any higher level manager in response to this request is "only deviant state information indicating deviation from the normal state" (claim 30, lines 9-10), with similar limitations recited in claim 17. Thus, the claims differ from the system taught by Rangarajan by the type of message received by the agent, "a request message for performing state realignment" (claim 30, line 6) in the case of the invention and "SNMP commands such as GetNext" to obtain values, in the case of Rangarajan. It is submitted that one of ordinary skill in the art would understand that considerably more message traffic would be required in the case of Rangarajan than in the present invention to obtain the values used due to the fact that no message traffic is required to obtain the state information used to perform the comparison in a method according to the invention since the claims recite "said agent checking state information of said agent" (claim 17, line 7) and "comparing by the agent, the state information previously stored by the agent" (claim 30, line 7).

As discussed above, it is submitted that claims 17 and 30 from which claims 2-16 and 18-29 depend, provide benefits that are not provided by any obvious combination of Rangarajan and Meandzija. For the above reasons, it is submitted that claims 2-30 patentably distinguish over Rangarajan and Meandzija.

### Summary

It is submitted that the references cited by the Examiner, taken individually or in combination, do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 2-30 are in a condition suitable for allowance. Entry of the Amendment, reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.



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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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